

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

JOHN D. JUSTICE,

Plaintiff

-vs-

TERRY KING, et al.,

Defendants

DECISION and ORDER

08-CV-6417-CJS-MWP

Siragusa, J. This case was referred to U.S. Magistrate Judge Marion W. Payson pursuant to 28 U.S.C. § 636(b)(1), on November 25, 2008. On March 24, 2011, Judge Payson issued a Decision and Order and Report and Recommendation concerning several of the pending motions in this case. She recommended that the following motions be denied without prejudice: Docket Nos. 130, 131 & 237.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. To date, no objections have been received. Accordingly, for the reasons set forth in Judge Payson's Report and Recommendation, Plaintiff's motions, Docket Nos. 130, 131 and 237, are denied without prejudice.

IT IS SO ORDERED.

Dated: April 11, 2010
Rochester, New York

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge